IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 23746 of 2004

Between:

E.Rangaiah, s/o Rangaiah, Fair Price Shop Dealer,
r/o Sangasamudram, Gopavaram Mandal, Kadapa District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Rajampet, Kadapa District.
2 The Mandal Revenue Officer, Gopavaram Mandal, Gopavaram, Kadapa District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in revoking the petitioner's appointment as Fair Price Shop Dealer, Sangasamudram Village, Gopavaram Mandal, Kadapa District in his Ref.D/1009/2003, dated 21-09-2004 without consideration, without authority, notice and enquiry as illegal, unjust, arbitrary, without jurisdiction against principles of natural justice and extraneous and consequently set aside the order passed by the 1s respondent in his Ref.D/1009/2003,dated 21-09-2004.

Counsel for the Petitioner: MR.L.J.VEERA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The petitioner was appointed as a fair price shop dealer by the first respondent though order dated 28-01-2004 after following prescribed procedure. However, he passed an order dated 21-09-2004 revoking the order of appointment on the ground that the petitioner applied for medical leave and did not remit the cost of essential commodities for the month of August, 2004.

The matter was listed for admission on 21-12-2004. It was adjourned twice with a view to enable the learned Government Pleader for obtaining instructions.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

Though the learned counsel for the petitioner had urged several contentions on merits of the matter, this Court is not inclined to deal with the same. The truth or otherwise of the allegations against the petitioner could have been ascertained, only after conducting an enquiry. Clause 5(4) of the Andhra Pradesh Public Distribution System Control Order 2001 mandates that the authorisation of a dealer can be suspended or cancelled only after conducting an enquiry and giving an opportunity to the dealer. In the instant case, the first respondent did not issue any notice to the petitioner. Even if the allegation against the petitioner is true, an order affecting the interest of the petitioner can be passed only after a notice is issued to him.

On this short ground, the writ petition is allowed and the impugned order is set aside. It is, however, left open to the first respondent to pass such orders, as he deems fit, against the petitioner after issuing a notice to him. No order as to costs.

29-12-2004

kdl

To

1 The Revenue Divisional Officer, Rajampet, Kadapa District.
2 The Mandal Revenue Officer, Gopavaram Mandal, Gopavaram, Kadapa District.

3 Two CCs to the Government Pleader for Civil Supplies, A.P.High Court Buildings, Hyderabad (OUT).

4 Two CD copies.